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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

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TERRENCE FITCH,

Plaintiff,

Case No. 23-cv-0082

THE STATE OF WISCONSIN, et al.,

Defendant.

**JURY TRIAL  
DEMANDED**

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**OPPOSITION TO MOTION TO QUASH SUBPOENA**

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Being duly sworn under penalty of perjury deposes and says:

Terrence Fitch, in *Propria Persona*, Plaintiff and I make this herein Opposition Affidavit in  
Opposition to that Motion to Quash Subpoena,

**FACTS**

1. On October 16, 2024, Plaintiff's process server served the Tonya Rosales and Joseph Lacroix hereafter "Defendants" a Subpoena requesting essential material evidence, documents and video footage which are vital to completing discovery.
2. As of present date and time the Defendants have refused to provide the requested material evidence.

**SUPPORTING ARGUMENT**

**3. *Brady v Maryland* 373 US 83 (1963)**

The Court in *Brady* held that a prosecutor commits a Due Process violation, requiring reversal of a conviction, when it is shown that the prosecutor withheld favorable,

*material* evidence.

A criminal defendant has a constitutional right to disclosure of exculpatory evidence that is material to guilt or punishment.'

"Suppression by the prosecution of evidence favorable to an accused upon request violates Due Process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution."

**4. Mooney V Holohan 294 US 103 (1935)**

Non-disclosure by a prosecutor violates due process

**5. United States v Blanco, 03-10390, (2004) US App Lexis 26815, 392 F 3d 382 (9<sup>th</sup> Cir 2004)**

Exculpatory evidence cannot be kept out of the hands of the defense just because the prosecutor does not have it...

The requested information is to impeach the STATES witness against the accused, to see if there is a TRUE witness against the accused.

Exculpatory evidence includes evidence reflecting on whether witnesses against the accused are credible, which might be used by the defendant's attorney at trial for purposes of impeachment.

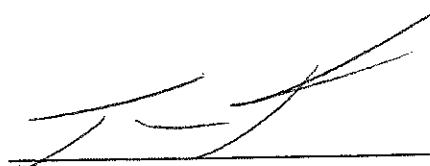
**Giglio v United States 450 US 150 (1972)**

**CONCLUSION**

I am requesting this court to NOT quash the subpoena and compel the Defendants to provide the request documents per discovery. This court should compel the defendants to submit the requested evidence and respond to Plaintiff interrogatories.

Dated: 11-16-2024

STATE OF WISCONSIN



Terrence Fitch

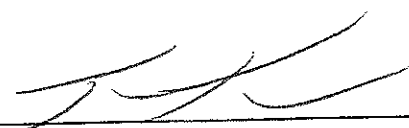
Plaintiff *Propria Personam*

**VERIFICATION**

(STATE of Wisconsin)

(COUNTY of Racine) ss.

I, Terrence Fitch (PRINT) being duly sworn, deposed and says that I am named as the Plaintiff in the above-entitled proceeding and that the foregoing information is true to his own knowledge, except as to matters herein stated to be alleged on information and belief and as to those matters he believes it to be true.

  
(Signature), Plaintiff, In Propria Persona.  
All Rights Reserved pursuant to  
UCC-1-308.

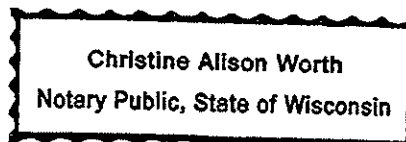
The foregoing instrument was acknowledged before me

This 16<sup>th</sup> day of November,

By Terrence Fitch

Sworn to before me this 16<sup>th</sup> day of November 2024

  
Notary Public



## CERTIFICATE OF SERVICE

I hereby certify that this Reply of Plaintiff Terrence Fitch was mailed first class USPS or submitted into the court record to the following parties, to wit:

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Gesina S Carson  
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Date: November 16<sup>th</sup>, 2024

By: 

Signature

**Return All Replies To:**

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**RDC 99**



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U.S. District Court  
Eastern District of Wisconsin

Eastern District for  
Wisconsin  
517 E Wisconsin Ave Rm 363  
Milwaukee WI 53202